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MARCIE HAMILTON

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARCIE HAMILTON,  
  
Plaintiff,  
  
v.  
  
JUUL LABS, INC.,  
  
Defendant.

Case No. 3:20-CV-3710-EMC (SK)

**JOINT STIPULATION TO VACATE  
DISCOVERY DEADLINES BASED ON  
SETTLEMENT; [PROPOSED] ORDER  
(Civ. L.R. 6-1(b) and 6-2(a))**

**STIPULATION**

Pursuant to Civil Local Rule 6-1(b) and 6-2(a), Defendant Juul Labs, Inc. (“JLI”) and Plaintiff Marcie Hamilton (“Hamilton”) (JLI and Hamilton are referred to collectively herein as “the Parties”), through their attorneys of record, hereby stipulate and respectfully request that the Court vacate the pending deadline for the parties to submit competing search terms to the Court to allow the Parties to seek Court approval of their settlement.

1. WHEREAS, on June 25, 2021, Magistrate Judge Sallie Kim issued an Order Regarding Joint Discovery Letter Brief (ECF 61) ordering, in part, that: (a) Defendant produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6) regarding the custodian(s) of records for the documents Plaintiffs seek within 14 days of the date of the Order unless both parties agreed to extend that time; and (b) the parties either meet and confer further or, if they cannot agree on search terms, to each submit to the Court competing search terms by July 23, 2021.

2. WHEREAS, on July 19, 2021, the Parties submitted a Stipulation To Enlarge Time For Submitting Competing Search Terms To The Court (ECF 70, the “Stipulation”) and, pursuant to such Stipulation, the Court ordered as follows (ECF 71, the “Order”):

- a. The time for Defendant to produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6) regarding the custodian of records for the documents Plaintiff seeks is hereby extended to August 6, 2021 to allow additional time to meet and confer and identify potential custodians absent the need for such deposition. This time can be further extended by mutual agreement of the parties without order of the Court; and
- b. The time for the Parties to submit competing search terms to the Court pursuant to the Court’s June 25, 2021 Order Regarding Joint Discovery Letter Brief (ECF 61) is hereby extended until August 20, 2021 to allow additional time to meet and confer and attempt to reach agreement regarding search terms.

3. WHEREAS, on August 4, 2021, the Parties submitted a Second Stipulation To Enlarge Time For Submitting Competing Search Terms To The Court (ECF 72, the “Second

1 Stipulation”) and, pursuant to such Second Stipulation, the Court ordered as follows (ECF 73, the  
2 “Second Order”):

- 3 a. The time for Defendant to produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6)  
4 regarding the custodian of records for the documents Plaintiff seeks is hereby  
5 extended to August 20, 2021 to allow additional time to meet and confer and  
6 identify potential custodians absent the need for such deposition. This time can be  
7 further extended by mutual agreement of the Parties without order of the Court;  
8 and
- 9 b. The time for the Parties to submit competing search terms to the Court pursuant to  
10 the Court’s June 25, 2021 Order Regarding Joint Discovery Letter Brief (ECF 61)  
11 is hereby extended until September 2, 2021 to allow additional time to meet and  
12 confer and attempt to reach agreement regarding search terms.

13 4. WHEREAS, on August 18, 2021, the Parties submitted a Third Stipulation To  
14 Enlarge Time For Submitting Competing Search Terms To The Court (ECF 74, the “Third  
15 Stipulation”) and, pursuant to such Third Stipulation, the Court ordered as follows (ECF 75, the  
16 “Third Order”):

- 17 a. The time for Defendant to produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6)  
18 regarding the custodian of records for the documents Plaintiff seeks is hereby  
19 extended to September 3, 2021 to allow additional time to meet and confer and  
20 identify potential custodians absent the need for such deposition. This time can be  
21 further extended by mutual agreement of the parties without order of the Court;  
22 and
- 23 b. The time for the Parties to submit competing search terms to the Court pursuant to  
24 the Court’s June 25, 2021 Order Regarding Joint Discovery Letter Brief (ECF 61)  
25 is hereby extended until September 16, 2021 to allow additional time to meet and  
26 confer and attempt to reach agreement regarding search terms.

1           5.       WHEREAS, the Parties have entered into a settlement of this case. Pursuant to the  
2 settlement's terms, and in accordance with California Labor Code § 2699(1)(2), Plaintiff will file  
3 a motion seeking the Court's approval of the settlement no later than September 27, 2021.

4           6.       WHEREAS, the Parties have agreed that the pending discovery deadlines set by  
5 Judge Kim and through the Parties' stipulations, including the September 3, 2021 deadline  
6 Defendant to produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6) regarding the custodian of  
7 records for the documents Plaintiff seeks and the September 16, 2021 deadline for the Parties to  
8 submit competing search terms to the Court pursuant to the Court's June 25, 2021 Order  
9 Regarding Joint Discovery Letter Brief (ECF 61), be vacated to allow the Parties to seek Court  
10 approval of the settlement.

11           7.       WHEREAS, the Case Management and Pretrial Order issued by Judge Chen on  
12 June 24, 2021 (ECF 63) sets a non-expert discovery cut-off date of June 24, 2022.

13           8.       WHEREAS, they only previous stipulated time modifications to any discovery  
14 deadlines in this case are those set forth in the Stipulation (ECF 70), the Second Stipulation (ECF  
15 72), and the Third Stipulation (ECF 74) and the related Order (ECF 71), Second Order (ECF 73),  
16 and Third Order (ECF 75) as noted in Paragraphs 2 through 4 above.

17           NOW, THEREFORE, the Parties, through their respective counsel of record,  
18 STIPULATE AND AGREE to the following modifications to the Court's June 25, 2021 Order  
19 Regarding Joint Discovery Letter Brief (ECF 61), their previous Stipulations (ECF 70, 72, and  
20 74), and the Court's Orders granting the same (ECF 71, 73, and 75):

21           1.       The pending discovery deadlines in this case set by Judge Kim and through the  
22 Parties' stipulations, including the September 3, 2021 deadline Defendant to produce a deponent  
23 pursuant to Fed.R.Civ.P. 30(b)(6) regarding the custodian of records for the documents Plaintiff  
24 seeks and the September 16, 2021 deadline for the parties to submit competing search terms to the  
25 Court pursuant to the Court's June 25, 2021 Order Regarding Joint Discovery Letter Brief (ECF  
26 61), be vacated to allow the Parties to seek Court approval of the settlement.

**IT IS SO STIPULATED AND AGREED.**

Dated: August 31, 2021

CURLEY, HURTGEN & JOHNSRUD LLP

By /s/ Brian L. Johnsrud  
BRIAN L. JOHNSRUD  
Attorneys for Defendant  
JUUL LABS, INC.

Dated: August 31, 2021

BAKER CURTIS & SCHWARTZ, P.C.

By /s/ Chris Baker  
CHRIS BAKER  
Attorneys for Plaintiff  
MARCIE HAMILTON

**SIGNATURE ATTESTATION**

Pursuant to Local Rule 5-1(i)(3), I attest that I have obtained concurrence regarding the filing of this document from the other signatories to the document.

Dated: August 31, 2021

CURLEY, HURTGEN & JOHNSRUD LLP

By /s/ Brian L. Johnsrud  
BRIAN L. JOHNSRUD  
Attorneys for Defendant  
JUUL LABS, INC.

**[PROPOSED] ORDER**

Pursuant to the Parties' Joint Stipulation To Vacate Discovery Deadlines Based On Settlement, it is hereby ordered that:

1. The pending discovery deadlines in this case set by the under-signed judge, including the September 3, 2021 deadline Defendant to produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6) regarding the custodian of records for the documents Plaintiff seeks and the September 16, 2021 deadline for the Parties to submit competing search terms to the Court

1 pursuant to the Court's June 25, 2021 Order Regarding Joint Discovery Letter Brief (ECF 61), are  
2 hereby vacated to allow the Parties to seek Court approval of the settlement.

3 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

4  
5 Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
6 SALLIE KIM  
7 United States Magistrate Judge  
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